

DECLARATION AND POWER OF ATTORNEY

As a below named inventor(s), I/We hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter, which is claimed and for which a patent is sought in the application entitled:

TURBOCHARGER AND METHOD FOR ITS MANUFACTURE

This declaration is directed to:

☒ the attached application
(for original application)

Application No. _____
filed _____, and amended on _____
(for declaration not accompanying application)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application No.
02 026 896.7

Country
European

Filing Date
December 3, 2002

Priority Claimed
yes

I hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any material information under 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.

Filing Date

Status
(patented, pending, abandoned)

I hereby appoint Stephan A. Pendorf, Reg. No. 32,665; Yaté K. Cutliff, Reg. No. 40,577; Evelyn A. Defillo, Reg. No. 45,630; Carrie L. Bootcheck, Reg. No. 50,712; Michael J. Bootcheck, Reg. No. 52,636; Christopher J. Kay, Reg. No. 44,820; Greg Dziegielewski, Reg. No. 28,073 and A. Michael Tucker, Reg. No. 32,539 my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to BorgWarner, Inc., Powertrain Technical Center, 3800 Automation Avenue, Suite 100, Auburn Hills, Michigan 48326-1782, ATTN: Patent Department.

"EXPRESS MAIL" LABEL NO.: **EV 307431745 US**
I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 IN AN ENVELOPE ADDRESSED TO: THE COMMISSIONER OF PATENTS, P.O. BOX 1460, ALEXANDRIA, VA 22313-1460, ON THIS DATE. THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FEES ARISING HEREFROM AT ANY TIME TO DEPOSIT ACCOUNT 16-0677.

12/3/03
DATE

Mildred J. Bootcheck
SIGNATURE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 06.11.03 First Inventor Frank SCHERRER
First Name Middle Initial Last Name

Residence: Same as Mailing Address Signature [Signature]

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